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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,155	08/04/2006	Hirokazu So	P30050	2850
52123 7590 11/19/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER BIRKHIMER, CHRISTOPHER D				
ART UNIT 2186		PAPER NUMBER		
NOTIFICATION DATE 11/19/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/596,155

Applicant(s)

SO ET AL.

Examiner

CHRISTOPHER D. BIRKHIMER

Art Unit

2186

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The current Office Action is in response to the Request for Continued Examination submitted 06/18/2010. The Examiner acknowledges the amendments to claims 1, 6, and 14 - 15 along with the cancellation of claims 4, 8, and 10 - 13. Claims 1 - 3, 5 - 7, 9, and 14 - 15 are pending in the case.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims **1 - 3, 5 - 7, 9, and 14 - 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art hereinafter known as AAPA in view of Wells et al. (Pat 5,535,369) in view of Stoppani, JR. (Pat 5,287,500) in view of Koizumi et al. (Pub. No.: US 2002/0103969 A1).

With regard to **claim 1**, AAPA teaches a method for recording data **[Specification, Page 1, Lines 15 – 19]** to a free area of a recording area **[Specification, Page 1, Lines 15 – 19, This shows a media for recording different kinds of data. It is implied that the area the data is recorded is free or else the data could not be recorded]** of an information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]** having the recording area for storing data which is managed by a file system **[Specification, Page 1, Line 33; Specification, Page 2, Line 2]**, wherein

the recording area of the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]** is managed in units of blocks **[Specification, Page 2, Lines 8 – 9]**, and each block includes at least two clusters as units for storing data for the file system **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters that are between 1 - N where N is an integer. The limitation of two clusters is included in the range of 1 - N clusters since two is an integer]**.

However, AAPA does not specifically disclose the limitation of searching the blocks for a valid block, the valid block having at least a predetermined threshold number of unused clusters, determining the valid block from the searched blocks, and writing the data in the determined valid block prior to writing the data in the searched blocks having less than the predetermined threshold number of unused memory, acquiring information about the predetermined threshold number from the information

recording medium memory, the information acquired from the information recording medium indicating information for determining the predetermined threshold number of clusters necessary to write the data at least at a predetermined minimum speed, the information being acquired from the information recording medium before searching the blocks for the valid block and before writing the data in the determined valid block.

Wells discloses the limitation of searching the blocks for a valid block, the valid block having at least a predetermined threshold of unused memory [**Column 15, Lines 48 – 60, This shows searching for a block with enough free**], determining the valid block from the searched blocks, and writing the data in the determined valid block prior to writing the data in the searched blocks having less than the predetermined threshold number of unused memory [**Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that has enough memory before storing it in a block that does not have enough free memory**], acquiring information about the predetermined threshold number from the information recording medium memory, the information acquired from the information recording medium indicating information for determining a predetermined threshold number of clusters necessary to write the data at least at a predetermined minimum speed [**Fig 3; Column 15, Lines 48 – 60, This shows the system determining if there is enough space in the memory as a whole and then a given block to store data. Figure 3 shows that the data is stored in 16 bit chunks. This shows that the system knows the memory sections are 16 bits wide and uses that information to determine if there is enough space to store the data at a speed that allows writing of the data**], the information being

acquired before searching the blocks for the valid block and before writing the data in the determined valid block **[Fig 3; Column 15, Lines 48 – 60, The size of the sections of memory needs to be known before it is known if a section of memory has enough free space to store the desired data]**.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4]**.

However, AAPA in view of Wells does not specifically disclose the limitation of a number of unused clusters.

Stoppani discloses a number of unused clusters **[Column 6, Lines 25 – 43]**.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

However, AAPA in view of Wells in view of Stoppani may not specifically disclose the limitation of the information acquired from the information recording medium indicating information for determining the predetermined threshold number of clusters necessary to write the data at least at a predetermined minimum speed

With regard to **claim 2**, AAPA discloses storing data in clusters **[Specification, Page 2, Lines 1 – 13, This shows the memory of a block is divided into clusters]**.

Wells discloses data are written in unused memory in the valid block **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that is valid because it has enough free memory to store the desired data]**.

With regard to **claim 3**, AAPA discloses a storage medium divided into blocks where the memory of the blocks is divided into clusters **[Specification, Page 2, Lines 1 – 13]**.

Wells discloses determining a valid block **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the process of storing data in a block that has enough memory before storing it in a block that does not have enough free memory]** and searching for a valid block **[Column 15, Lines 48 – 60, This shows searching for a block with enough free memory]**.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4]**.

Stoppani discloses counting unused clusters **[Column 6, Lines 41 – 43]**, determining a valid block on the basis of the counting result **[Column 6, Lines 25 – 43, This shows each record contains count data and the record is used to find valid areas in memory]**, generating and holding a valid free area list **[“free space table”, Column 6, Lines 25 – 28]** which is list information related to the valid block, and searching for a valid block by referring to the valid free area list at data recording

process **[Column 6, Lines 25 – 43, This shows searching the table to find a valid location based on clusters to store data].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 5**, AAPA teaches a block of storage is divided into smaller clusters **[Specification, Page 2, Lines 1 - 13].**

Wells discloses the predetermined threshold number is a value at least one-half of the amount of memory in each block **[Column 15, Lines 48 – 60; Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the search and determination of free memory in a block is based on the amount of data that is to be written in the memory. At times the data to be written will be equal to the storage in at least one-half of the number of clusters in each block and at other times it will be less than one-half of the number of clusters in each block. There is no limitation that the predetermined number is always a value at least one-half of the number of clusters included in each block].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

Stoppani discloses deciding memory space based on a number of unused clusters **[Column 6, Lines 25 – 43]**.

With regard to **claim 6**, AAPA teaches a data processing apparatus **[Specification, Pages 1 – 2, The Applicant discloses writing data to a memory device which implies there is an data processing apparatus]** for writing or reading data **[Specification, Page 1, Lines 15 – 17]** to or from an information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, wherein

a recording area of the information recording medium **[Specification, Page 1, Line 33; Specification, Page 2, Line 2]** is managed in units of blocks **[Specification, Page 2, Lines 8 – 9]**, each block **[Specification, Page 2, Lines 8 – 9]** includes at least two clusters **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters that are between 1 - N where N is an integer. The limitation of two clusters is included in the range of 1 - N clusters since two is an integer]**, and the clusters are units for storing data for a file system **[Specification, Page 2, Lines 14 – 18]**;

the data processing apparatus **[Specification, Pages 1 – 2, The Applicant discloses writing data to a memory device which implies there is an apparatus to perform the writing]** comprises:

an I/O processor that processes input and output of information for the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25, It is implied there is an I/O processor associated with the information recording medium in order to save to and read from the information recording medium]**;

a file system controller **[Specification, Page 2, Lines 1 – 7]** that manages data stored in the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25]**, as a file;

a data processor that controls writing and reading of data to and from the information recording medium **[Specification, Page 1, Lines 15 – 19 and 23 – 25, It is implied there is a data processor associated with the information recording medium in order to save to and read from the information recording medium];**

a valid free area manager that manages, by units of blocks, information for the blocks **[Specification, Page 2, Lines 1 – 13, This shows the access units of the file system are the same as blocks]**.

However, AAPA does not specifically disclose the limitation of a valid free area manager that manages information for the blocks containing at least a predetermined threshold number of unused clusters in an area of the information recording medium and when necessary to record data to a new free area, the data processor, as a control, searches for a valid block from the managed blocks with reference to the information held in the valid free area manager, and writes data to the searched valid block prior to writing data to another one of the managed blocks and acquiring information about the predetermined threshold number from the information recording medium memory, the information acquired from the information recording medium indicates information for determining the predetermined threshold number of clusters necessary to write the data at least at a predetermined minimum speed, the information being acquired from the

information recording medium before searching the blocks for the valid block and before writing the data in the determined valid block.

Wells discloses when necessary to record data to a new free area, the data processor, as a control, searches for a valid block from the managed blocks and writes data to the searched valid block prior to writing data to another one of the managed blocks **[Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows when data is recorded to a free area the blocks in the memory are first searched and then the information about the searched blocks is analyzed to determine if there is a block to store the data. A valid block is a block with enough free memory to store the data. If one of the blocks is a valid block the data is written into the valid block. If none of the blocks are a valid block an erase operation is performed to empty a block and then the data is written into the previously invalid block]** and information about the predetermined threshold number is acquired from the information recording medium, the information acquired from the information recording medium indicating information for determining a predetermined threshold number of clusters necessary to write the data at least at a predetermined minimum speed **[Fig 3; Column 15, Lines 48 – 60, This shows the system determining if there is enough space in the memory as a whole and then a given block to store data. Figure 3 shows that the data is stored in 16 bit chunks. This shows that the system knows the memory sections are 16 bits wide and uses that information to determine if there is enough space to store the data at a speed that allows writing of the data]**, the information being acquired before searching the blocks for the valid block and before

writing the data in the determined valid block **[Fig 3; Column 15, Lines 48 – 60, The size of the sections of memory needs to be known before it is known if a section of memory has enough free space to store the desired data].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

However, AAPA in view of Wells does not specifically disclose the limitation of valid free area manager that manages information for the memory containing at least a predetermined threshold number of unused clusters and using the information in the valid free area manager when writing data to memory and acquiring information about the predetermined threshold number from the information recording medium memory.

Stoppani discloses valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** that manages information for the memory containing at least a predetermined threshold number of unused clusters **[Column 6, Lines 25 – 43]** and using the information in the valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** when writing data to memory **[Column 6, Lines 44 – 47]** It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 7**, AAPA teaches memory is divided into blocks and then subdivided into smaller clusters **[Specification, Page 2, Lines 14 – 18, This shows the blocks memory is divided into a number of clusters]**.

Stoppani discloses the valid free area manager **[“free space table”, Column 6, Lines 25 – 28]** holds a valid free list which is list information **[Column 6, Lines 25 - 31]** related to the valid block which is one of the blocks including at least the predetermined threshold number or unused clusters **[Column 6, Lines 25 – 43, This shows the linked list contains which clusters are free and which are not in the blocks of AAPA]**.

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 9**, AAPA teaches a block of storage is divided into smaller clusters **[Specification, Page 2, Lines 1 - 13]**.

Wells discloses the predetermined threshold number is a value at least one-half of the amount of memory in each block **[Column 15, Lines 48 – 60; Column 18, Lines 44 – 67; Column 19, Lines 1 – 22, This shows the search and determination of free memory in a block is based on the amount of data that is to be written in the memory. At times the data to be written will be equal to the storage in at least one-half of the number of clusters in each block and at other times it will be less than one-half of the number of clusters in each block. There is no limitation that the predetermined number is always a value at least one-half of the number of clusters included in each block].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

Stoppani discloses deciding memory space based on a number of unused clusters **[Column 6, Lines 25 – 43].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Stoppani in AAPA in view of Wells, because it ensures that sufficient available space is present on storage device to store additional files **[Column 6, Lines 44 – 47]** and it provides a method for Wells to perform the searching and determining of a valid block.

With regard to **claim 14**, Wells discloses wherein the predetermined minimum speed is the speed necessary for real-time recording of the data **[Column 15, Line 48 through Column 22, Line 22, This shows writing data when there is a request to**

write data showing that the data is written in real-time when the request is received].

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

With regard to **claim 15**, Wells discloses wherein the predetermined minimum speed is the speed necessary for real-time recording of the data **[Column 15, Line 48 through Column 22, Line 22, This shows writing data when there is a request to write data showing that the data is written in real-time when the request is received].**

It would have been obvious to someone of ordinary skill in the art at the time of the invention to use the teachings of Wells in AAPA, because it increases data coherency **[Column 35, Lines 60 - 67; Column 36, Lines 1 - 4].**

Response to Amendment/Arguments

4. Applicant's arguments with respect to claims **1 - 3, 5 - 7, 9, and 14 - 15** have been considered but are moot in view of the new ground(s) of rejection.

The amendments to the claims have changed the scope of the claims requiring further search and consideration resulting in the new grounds of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitamura et al. (Pat 6,438,646) discloses a computer formatting data to store in a storage device indicating that the format of the storage device is known [Column 2, Lines 54 – 67].

Ofek et al. (Pat 6,397,308) discloses formatting data to a block format to store in data since it is required to be formatted to store on physical memory [Column 31, Lines 41 – 54].

Direction of Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER D. BIRKHIMER whose telephone number is (571)270-1178. The examiner can normally be reached on M-H 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2186

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher D Birkhimer
Examiner
Art Unit 2186

/Matt Kim/
Supervisory Patent Examiner, Art
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